

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DERRICK RHOADES, and MILLICENT
RHOADES, a married couple,

Plaintiffs,

vs.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, a foreign insurer,

Defendant.

No. 2:19-cv-01669-RSM

**STIPULATED MOTION AND ORDER ON
STIPULATED MOTION TO REMAND
CASE TO STATE COURT**

STIPULATION

Plaintiffs Derrick Rhoades and Millicent Rhoades, (“Plaintiffs”) by and through their counsel Pellegrino L. Certa, and Defendant State Farm Mutual Automobile Insurance Company, by and through its counsel Heather M. Jensen and Jonathan R. Missen, hereby stipulate that this case shall be remanded back to state court as Defendant did not timely file its notice of removal. Plaintiffs filed their summons and complaint on September 9, 2019 and served State Farm via the Insurance Commissioner on September 16, 2019. Dkt, Ex. 1. State Farm filed its notice of removal of action on October 17, 2019, 31 days after service. See Dkt 1. Under 28 U.S.C. § 1446(b), State Farm’s removal was untimely. Accordingly, the parties stipulate that this action should be remanded to King County Superior Court for further proceedings without costs to either party.

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1 DATED November 26, 2019

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16 Attorney for Plaintiff

17 **ORDER ON STIPULATION**

18 Based on the foregoing stipulation, IT IS HEREBY ORDERED that the present case be
19 remanded to King County Superior Court for further proceedings without costs to either party.

20 IT IS SO ORDERED on this 26 day of November 2019.

21 

22 RICARDO S. MARTINEZ

23 CHIEF UNITED STATES DISTRICT JUDGE